

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SUSANNA MIRKIN, Individually and on
Behalf of All Others Similarly Situated

Plaintiff,

v.

XOOM ENERGY, LLC and XOOM
ENERGY NEW YORK, LLC,

Defendants.

Case No.: 18 Civ. 2949 (ARR) (JAM)

**DECLARATION OF ETHAN D. ROMAN IN SUPPORT OF
PLAINTIFF SUSANNA MIRKIN AND THE CERTIFIED CLASS'S
MOTION *IN LIMINE* TO EXCLUDE THE TESTIMONY OF DAVID COLEMAN**

Ethan D. Roman, an attorney duly admitted to practice before the Eastern District of New York, declares the following under penalty of perjury and pursuant to 28 U.S.C. § 1746:

1. My firm, Wittels McInturff Palikovic, is Class Counsel for Plaintiff Susanna Mirkin and the Class. Based on my active participation in all material aspects of the prosecution of this class action against Defendants XOOM Energy, LLC and XOOM Energy New York, LLC (together, “Defendants” or “XOOM”), I have personal knowledge of the matters set forth herein.

2. I make this Declaration in Support of Plaintiff Susanna Mirkin and the Certified Class’s Motion *in Limine* to Exclude the Testimony of David Coleman and to authenticate the attached exhibits referenced in the accompanying motion.

I. Authenticating Documents

3. Attached hereto as **Exhibit A** is a true and correct copy of the Amended Expert Report of David Coleman, dated October 31, 2022.

4. Attached hereto as **Exhibit B** is a true and correct copy of excerpts from the deposition of David Coleman, dated November 16, 2022, pp. 1, 18–20, 31–32, 34–38, 41–42, 50–51, 55–56, 66, 80–81, 86–89, 95–96, 99–100, 111.

5. Attached hereto as **Exhibit C** is a true and correct copy of the Rebuttal Report of David Coleman, dated November 4, 2022.

Dated: New York, New York
May 20, 2024

Respectfully submitted,

/s/ Ethan D. Roman
Ethan D. Roman

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2024, the foregoing was served via email on all counsel of record.

By: /s/ Ethan D. Roman
Ethan D. Roman